

Milbank

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The Court overlooked this letter motion at ECF No. 436 when it was initially filed. Consistent with the Order at ECF No. 417, the Court GRANTS Defendant's request to have ECF Nos. 421-44 and 433-1 be placed under seal. The Clerk of Court is directed to terminate ECF No. 436. SO ORDERED.

September 18, 2020

Hon. Jesse M. Furman
United States District Court for the Southern District of New York
40 Centre Street
New York, NY 10007



March 4, 2021

Re: *Brach Family Foundation v. AXA Equitable Life Ins. Co.*, No. 16-cv-740

Dear Judge Furman:

We represent Defendant AXA Equitable Life Insurance Company (“Equitable”) in the above-referenced action. Certain of Equitable’s filings from September 8, 2020 (ECF No. 421 responding to ECF No. 417) and September 16, 2020 (ECF No. 433 responding to ECF No. 417) inadvertently disclosed information the Court approved for sealing via ECF No. 417. Equitable hereby requests the formal sealing of those materials.

The inadvertent disclosures were discovered on September 15, 2020 and September 18, 2020. In accordance with ECF Rule 21, Equitable promptly notified the ECF Help Desk, which temporarily sealed the documents filed via ECF the same day each inadvertent disclosure was discovered. The disclosures filed via ECF were contained in ECF No. 421 Attachment 44¹ and ECF No. 433 Attachment 1.² One document filed via FTP on September 15, 2020 (Buckley Decl. App’x Item Nos. 46 & 47) also contained inadvertent disclosures. Equitable respectfully requests that this Court formally seal each of the aforementioned documents and replace Buckley Decl. App’x Item Nos. 46 & 47 with the version sent to the Court via FTP on September 18, 2020.

Respectfully submitted,

/s/ Robert C. Hora

Robert C. Hora

¹ A corrected version was subsequently refiled via FTP on September 16, 2020.

² A corrected version was subsequently refiled via ECF on September 18, 2020.

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